

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN M. OBERT,

Plaintiff,

v.

JOSEPH LEHMAN,

Defendant.

Case No. C04-5899FDB

ORDER DENYING
APPLICATION TO PROCEED *IN*
FORMA PAUPERIS

The Court, having reviewed the report and recommendation, plaintiff's application to proceed *in forma pauperis* and the remaining record, hereby finds and ORDERS:

(1) the Magistrate Judge's report and recommendation is approved and adopted;

(2) plaintiff's application to proceed *in forma pauperis* is DENIED.

(3) plaintiff shall pay the required filing fee (\$150.00) to the Clerk of the Court within 30 days of the date of this Order, otherwise this action will be dismissed.

(4) the Clerk is directed to send copies of this Order to plaintiff and any other party that has appeared in this action.

DATED this 8th day of April 2005.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE